

THE ANTIENT

20

LAND-MARK  
SKREEN or BANK

BETWIXT

The Prince or Supream Magi-  
strate, and the People of  
ENGLAND.

BY THE  
Right of Inheritance which the  
NOBILITY & BARONAGE  
of ENGLAND have  
TO  
Sit in the House of PEERS  
IN  
PARLIAMENT.



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LONDON,  
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THE ANTI-  
LAND-MARK  
SKELETON OF BANK

REVISED

The Prince of Supremacy Magistrate  
of the People of  
the Kingdom of

BY THE  
Right of Inheritance which the  
Nobility & Baronage  
of ENGLAND have  
TO  
Sit in the House of LORDS  
IN  
PARLIAMENT.

LONDON.

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**The antient Land-marke,  
Skreen, or Bank, betwixt the  
Prince, or Supream Ma-  
gistrate and the  
People &c.**

**I**T should be confessed by all that have but *Travailed* the ordinary Roades and pathes of the book of God, and Scripture, that the *Princes* and heads of the Tribes of the people of *Israel*, in and after the *Theocracy*, or time of Gods own government of them, and in the Reign of the Kings, which he extraordinarily Bless'd and appointed over them, were of their greatest and most eminent Councils and *Sanhedrims*.

And not to be denyed by those that have been acquainted with the *Greek* and *Roman* Histories.

That the *Patricii* of the one, and the wise and great men of the other, were alwayes made use of, and preferred in their Senates and

and Councells, as men of the greatest understanding and interest, attended by their own virtues, education, and fitness, as well as those of their Ancestors.

In Imitation and conformity whereof, and that conduct of reason and success which had encouraged all the Civilized people and Nations of the earth, rather to follow than desert such universally approved experiments.

Our no foolish *English* progenitors, did not think they should do themselves or posterity any harm to tread the same steps, and embrace and make much of the *Truth* in the old paths thereof.

And hence it was, that our over-warlike, and too much busied forefathers the *Saxons*, in their Civil Wars and Discords, took it to be neither dangerous nor useless, to make their Princes and *Ealdermen*, (which were the same with our Earles and Barons, the later being the *Genus*, or foundation of the former) of their Councells and Parliaments; as King *Ina* did in Anno 711. Now above nine hundred 40 and 7 yeares ago and then not remarked for any Novelty, in a Parliament or place where he made his Lawes.

That *Edwin*, King of *Northumberland*, when he was perswaded to become a Christian, consulted, *cum principibus & Consiliariis suis*, or with his *Ealdormen*, as King *Alfred* expounded those wordes in *Bede*.

And

I. Brampton  
hist Jorvall.

Selden Tit. Honour  
Ca. 5 sect.  
6, 632. Bede  
lib. 2. Ca. 13.



And *Cynewlf*, King of *west-Saxe*, cum *Selden Tit. Honour 701.*  
*Caterva Satraparum*, with the whole body of  
 his Nobility.

That *William* the Conquerour. *Consilio Math. Paris. 75.*  
*Baronum suorum*, restored our English Lawes.

And *Henry* the first at his Coronation  
 (saith *Mathew Paris*) made Lawes *Con-*  
*silio Baronum suorum*.

For *Comes*, or the title of an Earle, de-  
 rived or branched out of the *Baronage*, could  
 not be so separate from the person of the  
 Prince, in the interpretation of the word,  
*Ex vi termini*, or the legall Custome, or  
 appropriation of it, as not to be with the  
 King, or supream Magistrate, in his great  
 and publique Councils or Parliaments.

And by the longest Prescription, or use  
 of any Lawes or good Customes, which we  
 now have in the English Nation, from long  
 before the Conquest, without any interrup-  
 tion, untill the year 1648. The Nobility  
 and Barons of *England* may clayme and  
 ought to enjoy it, as well as any other part  
 of the people do all or any part of their  
 inheritances which they would be unwill-  
 ing not to have called their own, or not  
 to be justified by an *Immemoriall Pre-*  
*scription*.

And therefore in the Grants and Letters  
 Patents of Earles, of long or great Anti-  
 quity; as in that of the Earldome of *Here-*  
*ford* to *Miles de Glocestria*, by *Maud* the  
 A 3 Empresse;

Empresse; She grants it with all liberties and customes as honorably as any former Earle of that County enjoyed it.

And to *Ambrey de Vere*, of the Earldom of Oxford, by King Henry the Second, now above 500 yeares past it was *ita liberè & honorificè*, as freely and honourably, *sicut aliquis Comitum Anglia*, as any of the Earles of England most honourably enjoyed it.

S. Hen Tit.  
Honor Cap.  
5704

And if any would know, whether the privilege to them and their Heires of sitting in Parliament, were one of their just inheritable liberties and Birth-rights, the most learned *Sclden* will tell them.

That in the great Parliament of *Clarendon*, held by King Henry the second in the Tenth yeare of his Reigne *presentibus Comitibus & proceribus Anglia*, The Earles and Nobility being present.

The *Avita consuetudines*, antient Customes of their Fore-fathers, & noble Progenitors, were, among other Customes, Recognized to be that *Debent interesse Judiciis Curia Regis* they ought to sit in Parliament.

And notes thereupon that to be a Baron, and to have right to sit with the rest of the Barons in Councells or Courts of Judgment were according to the Lawes of that time *Synonymies*.

And were no otherwise taken also to be in the succeeding ages, when as in the 23 yeare of Henry the second, as *Bruden* reports, The determination of the contro-

verfly between *Alphonso*, King of *Castile*, and *Sancho* King of *Navarr*, submitted to the Arbitrement of that English King, was determined *Habito cum Comitibus & Baronibus cum deliberatione consilii*. by mature advice of his Earles and Barons.

In the sixth year of King *John*, certain Lawes were made *communi consilio Baronum suorum*, by a Common Counsell, or Parliament held at *Winchester*.

*William de Breese*, a Baron, being in that Kings raigne demanded by the King to have his Children delivered for Hostages, answered (as the Monk of *St. Albans* relates it,) *Si ipsum in aliquo offendi, paratus sum & ero domino meo & sine obsidibus satisfacere secundum Judicium Curia sua & Baronum parium meorum certo mihi assignato die & loco*; I am & shall be ready to satisfy the King my Lord without Hostages, if in any thing I have offended him, according to the Judgment of his Court and the Barons my Peeres, if he shall assigne me a certain day and place.

*Math. Paris*  
303. edit.  
*Londini.*

And the *Modus tenendi Parliamentum*, (which cannot be denyed but to have been exemplified under the great Seal of *England*, and sent by that King, into *Ireland*, where our English Lawes then began to be planted) saith also expressly that *omnes & singuli Comites & Barones summoneri & venire debent ad Parliamentum*, All Earles and Barons ought to be summoned and come to Parliament.

The

The restoration of *Hugh de Vere*, Earl of *Oxford*, to the Earldome of *Oxford*, and all his fathers lands in 17. H. 3. by an investiture of *Cinxit eum gladio comitatus Oxon*. Girding him with the sword of the Earldome, did continue unto him his Peerage or Priviledge of sitting in Parliament enjoyed by his Ancestors.

After the battell of *Evesham* in 49. H. 3. the Earles, and Barons, and others, which stood against the King, being by act of Parliament in *Anno 50. H. 3.* disinherited, and the lands of many of them given away or sold, and the *Dictum de Kenilworth* in 51. H. 3. admitting them to a composition. *Wake Hastings, Masey, Gray, & Nevill*, Barons; and *Robert de Vere*, Earl of *Oxford*; and many other of the Nobility having compounded, did without any new grant of their Eurldomes and Baronies, retaine all their Parliament priviledges.

*Andrew de Asteley*, the Sonne and Heir of Sir *Thomas de Asteley*, a Baron, slain at the Battell of *Evesham*, against the King was after his Fathers death in 49 H. 3. summoned, as a Baron to Parliament, in severall Parliaments in the raigne of King E. 1.

16 R. 2. A.D.  
15.

16 *Richard* the 2. the King granting and restoring to Sir *Aubrey de Vere*, Uncle to *Roberts de Vere*, Duke of *Ireland* and Earl of *Oxford* in Parliament the Name, Title, Estate, and

and Honour, of Earle of *Devon*, which was forfeited by the attainder of the said Duke, to hold to him and his Heires Males; caused him to be put as the words in the record thereof in French beares it, *en son lieu avecques les Peeres*, in his place with his Peeres.

The clayme in Parliament in *21. H. 6.* of the Earle of *Arundell* to sit in Parliament where it was adjudged, that he and his Heires, Earles of *Arundell*, should have, *locum & sedem*, the place of Earls of *Arundell* in Parliament as they had formerly.

Rot Parl. 11.

R 2 m. 9. n.

32, 33, 34, 35.

And the like adjudged in Parliament in the Controversie betwixt *William* Earle of *Arundell*, and the Earle of *Devonshire* in *27. H. 6.*

Parl. 27. H. 6.

Art. 18.

All which with the priviledge granted of old unto the English Nobility to kill a Buck, or Deer, in any of the Kings Forrests and Chases, in their going to the Parliament, or to have no Wages for the Knights of the Shires which served in Parliament, to be levyed of such of their Lands as were parcell of their Earldomes and Baronies.

The Act of Parliament of *14 E. 3. cap. 5* for redressing in Parliament the delays in Judgements of other Courts, the Act of *31. H. 8. Cap. 10.* giving the Earles and Barons their place of *Assensy* in the Parliament and all the Acts of Parliament which we have had from the first being and methodizing of our Lawes from

the *Brittish* times, untill the latter end of 1648.

All our Restorations of antient Barons and bringing them into Parliament by virtue of Entailes of Earldomes and Baronies or otherwise, and all our Records and Journalls of Parliament do plentifully shew that they had an Inherirable right to sit in those Assemblies.

And cannot be supposed to represent the *Commons* in Parliament (whose first summoning thither either, by *H. 1.* or *H. 2.* was meerely by the Kings writts or Summons and not by any Act or order of Parliament.)

Whenas the Nobility were ever a distinct Estate by themselves, and the Commons did, after their calling or being summoned to Parliament, represent onely for their owne estate and degree, agitate their Votes and busines apart, Elect their Knights of the Shire and Burgeses, to consent and represent for them, send Messages, and desire Conferences with the Lords; stand bare, whilst they sit covered, and receive Bills from them. And that the Commons were never authorized or accompted to represent for the Nobility by any Law, Record, Constitution, legall Custome, or Usage of this Nation as yet to be found, or extant; And that if the *Lords* had represented the *Commons*, or any other



other than themselves, the *Commons* would have taken more care of themselves than to have voted them dangerous or uselesse.

And howsoever that the later Letters Patents, or creation of Earles, Viscounts and Barons, as that of Sir *John Beaufham* 11. R. 2. par. 3. m. 15. Baron of *Kidderminster*, the first which was Pat. 23. H. 6. part. 2 m. 20. created by Letters Patents in 11 R. 2. & of the Lord *Beaumont*, in 23. H. 6. and the succeeding ages, have been so punctuall and carefull as to grant in speciall words, to them and their Heirs Males, *Sedem locum & vocem in Parliamentis & publicis Comitibus & Conciliis*, Place, and Voice in Parliament.

Yet it was as much before, the right of the Baronage of *England* & upon that accompt *Ralph de Monthermer*, who married *Folke* Countesse of *Glocester*, and divers others, in the right of their Wives, did sit in Parliament, aswell as enjoyed their Baronies.

And it is to be remembred That Sir *Edward Cook*, in his *Institutes*, printed by Order of Parliament, saith, that the Lords and Peeres, are to have their Writts or Summons, *Ex debito Justitie*, which was not Rushworth historical collections 249. denyed the Earl of *Bristol* upon his petition for his Writts or Summons in 2 *Carol.*

That in the begining of our late civill and unhappy warre there was no small use made of an Argument to justifie them, taken out of some words in *Bracton* (which as

Bracton lib. 2.  
Cap. 16. 36.

Exact Col-  
lection 846.  
528.

to the superiority of the house of Peers over the King, was something too much strained, and beyond his expresse words, in other places) who was a Lord Chiefe Justice, in the reign of King Henry the third, that *Rex habet superiorem Deum, Legem, per quam factus est Rex & Curiam, scilicet Comitum & Baronum.* The King hath his Superiours, God, the Law, and his Court of Barles and Barons.

That the Parliament, in their Remonstrance of the state of the Kingdome, in December 1641. did alleage that the Peers were the Kings great Councell.

In which Parliamēt, they also declared *but what can we the Commons do without contrivision of the house of Lords.*

That the trienniall Parliament ordained in, Anno 1641. To be called once in every three yeares is to be holden by the King or Supream Magistrate and Lords and Commons.

And that the power thereby given to the people to make elections of the members and to assemble in Parliament if the King or Supream Magistrate should omitt or refuse to do it cannot be made use of or put in execution with any safety to the people (who by the Act of Parliament for a trienniall Parliament are only allowed and authorized to do it) or any Lawes which shall be made in such a Trienniall Parliament

ment be valid or binding.

If it shall not be called and holden according to the directions of that Act of Parliament or pursue the very prescript form and allowance thereof.

That it was likewise enacted by the assent of the Lords and Commons in that Parliament *that that Parliament should not be dissolved or adjourned unless it should be by Act of Parliament to be passed for that purpose, and that the house of Peeres should not at any time during that Parliament be adjourned unless it be by themselves, and their own order, and that every thing, and things whatsoever done, or to be done for the adjournement proroguing, or dissolving of that Parliament contrary to the said Act should be utterly void and of none effect.*

That the house of Commons in their joynt declaration with the Lords in Parliament 9 August 1642. Did alleage the house of Peeres to be the hereditary Counsellors of the Kingdome. Ibid. 502.

That Mr. Pym, in his Speech at Guild Hall London, 14 January 1642, printed by Order of Parliament, affirmed that the Lords had an hereditary interest in making Lawes in this Kingdome.

That the Natinnall Covenant, and Oath, enjoyned the maintenance and defence of the liberties & priviledges of Parliament (the Judicative & better part whereof, was the House

Peeres ) and the Rights and Liberties of the Nobility, and every one in their severall callings Rights, Liberties and Priviledges.

That in April 1646. an Ordinance was made, and commanded to be read in Churches, that the Parliament intended the Commonwealth should be governed by King, or Supream Magistrate, Lords, and Commons.

Palmer's plea for the Lords and house of Peeres 45. 46.

That the general Councell of the Officers of the Army, in their Declaration made at Windsor, about January 1647. presented to the Lords House, by Sir Hardresse Waller, did declare the hereditary legall Right of the Lords, and their House in Parliament; and the Armies fixed resolution to uphold and maintayn them and their Priviledges with their Swords.

John Lilburnes letter to the Speaker printed in July 1648.

And that the late Lord Protector, when he was Lieutenant Generall, protested to John Lilburne and others, at the Lord Whartons house, that upon his Conscience, in the sight of God, the Lords had as true a right to their Legislative and Jurisdiction power, as he had to the Coat on his Back; and that he and the Army, would support the same.

That such of the Baronage of England, as in the late wars adhered to the King, did afterwards, by severall Acts and orders of Parliament compound for it.

And that such as have not acted against the Par-

Parliament since the 30 day of *January* 1648, or are not within the exceptions of the Act of Parliament for a generall pardon and oblivion, made in the latter end of the year 1651, are included in that generall pardon and *Oblivion* and to receive benifit by it.

That the *Act*, in Anno 1648, which after the death of the King was made to take away the house and priviledge of the Peeres in Parliament, ( who were neither cited if the house of Commons had been impowred thereunto, ) nor so much as conferred with or heard, was only by a part of the house of *Commons* when many of their members were kept and forced away, and the remainder could not reach to the number of one hundred.

That the house of Lords, then sitting, did never give consent to their dissolution, or unto that Act of that small remainder of the house of *Commons* to take away their *Peerage* but protested against it, as an Act made against the fundamentall Lawes, and invalid.

That the Parliament in 1653, did declare *that they would be as tender of the Rights and Properties of the people, as they would be of themselves and their posterities.* 13. July 1653

That by the humble Petition and advice of the Parliament, presented to the late Lord Protector

Protector, and assented unto the 28. day of June, 1657. It was advised that the ancient and undoubted liberties & privileges of Parl. which are (there said to be) the birthright & Inheritance of the people, & wherein every man is interested, be preserved and maintained. And that he would not break or interrupt the same, nor suffer them to be broken or interrupted.

That the Gothes, Vandalls, and Tartars, the ruder sort of Nations ( Savages only excepted ) the Swedes, Polonians Hungarians, Bohemians, whose Kings are some of them wholly and others partly elective; the French, Spanish, Portuguez, Italians, Germans, Scots, Irish, Russians, Persians, Egyptians, Ethiopians, and the major part of all the World, aswell Heathen as Christian, as Mr. Prinne in a larger Plea for the Lords and House of Peeres of England, hath learnedly, and abundantly proved, do admit their Nobility into all their Assemblies, Conventions of Estate, Parliaments, Dyets, and Councils.

And that now to exclude our English Nobility, whose Ancestors were so principally instrumental in the disclaiming and annulling the Renunciation and Grant of the ill advised King John, to hold the Kingdomes of England and Ireland, in Fee farme of the Pope and his Chaire, by the payment

Prinns plea  
for the Lordi  
and house of  
Peeres 45. 46.

Mat. Paris  
237. 245. 270  
Walsingham y  
podigm. Neus  
trize pat. 60.



(15)  
ment of 1000 Markes yearly Tribute ;  
Fought for and maintained our English  
Lawes and Liberties , built and endowed ,  
at their own charges, many of our Churches,  
procured many deafforrestations for the  
people and Charters and Liberties for ma-  
ny of their Cities, and Townes, gave  
and distributed out of their own Lands  
and Estates, great and large quantities of  
Land and Ground to be held in Common,  
and were the Donors of much of the Copy  
hold Lands of the Nation ; which ( being  
no *Norman* slavery, but a continuance of  
Charity and Benevolence, since turned into a  
Custom ) were not long agoe a fourth part  
if not halfe ( the Commons, Wastes, and  
Forrests excepted ) of all the lands and reall e-  
states of the Nation ) & to render them there-  
by to be as no part of the People, but as meer  
Tituladoes, Shaddows, or airy Notions, or as  
men of no value, interest, or concernment,  
would be a strange kinde of gratitude, as  
well as an unparallell'd violation of the Pe-  
tition of Right, our no lesse then thirty  
times confirmed *Magna Charta*, and the  
common Justice of the World ; who by the  
Rule and example of God himselfe in the  
case of *Adam*, in the very dawning and In-  
fancy of the World, was taught not to  
condemne any man, or Society, without a  
Citation, and hearing what they can  
allege

allege or plead for themselves; And  
make this Nation which hitherto hath  
justly claymed and enjoyed the precedency  
of most of the Nations of the Earth, to  
be and appear in the eyes of the World;  
lesse than the Republicke of Venice, who  
by their admission of their *clarissimo's* and  
Nobility into their Senate are the more  
esteemed for it.

And cause us in the not making use of or  
admitting our Nobility, in to our assemblies  
and Parliaments to be looked upon in that  
particular as a Nation having no Nobility, or  
as that Mountainous and beggerly peo-  
ple the Switzers, who live and subsist  
onely in being as mercenary and Hire-  
ling Souldiers to Neighbour Princes;  
and are in that respect so undervalued, as  
they are taken to be but as Fragments or  
broken peices of a Common-Wealth de-  
formedly put together.

That it will be against the nature and end  
of a *Commonwealth*, to have a principall estate  
and part of the people, put out of the lynes  
of *Communication* of it, and be only ad-  
mitted to the Taxes and burthens thereof.

That many of no few of our Lawes  
and Acts of *Parliament* yet unrepealed and  
not altered, by any subsequent Act of Parli-  
ament, which do grant allow and confirm the  
rights and priviledges of our English Nobili-  
ty

lity, (whose *Ancestors* have not only in one but many generations been the grand and stout *Assertors*, and *Maintainers*, of our *Magna Charta*, and *Lawes* and liberties of *England*. when the *Common* people could not do it) are included in these *Lawes* and liberties which the now *Lord Protector* hath lately sworn to observe and keep.

That two of the *Ten Commandements* given by the mouth of Almighty God himselfe in Mount *Sinai* with thunder and Lightenings ( when the Mount shoke for the dread and Majesty thereof twice afterwards written in *Tables of Stone* by his own hand and many other of his precepts repeated in his book and holy writt do command the preservation of every mans property.

And that the care of the rights, liberties, and properties of the *Peeres*, and *Nobility of England*, which neither were, nor are, nor can be proved, to be inconsistent with the rights, liberties, and properties of the other part of the people ought to be very much incumbent upon the hearts, and spirits of the members of this *Parliament*, who come thither under an oath, ( which the *Parliaments* of the former ages sufficiently carefull of the rights, and liberties, not only of a part but of all the people ) were not ordered to take ) to uphold and maintaine

taine the true reformed Protestant Religion in the purity thereof as it is contained in the old, and new testament ( which certainly enjoynes the preservation of every mans property ) and as members of Parliament to indeavour as much as in them lieth the preservation of the rights, and liberties, of the people.

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**FINIS**

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